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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,064	08/02/1999	JASON ROBERT MALAURE	GIL4-BH60	2626
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SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230			HUYNH, SON P	
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			2611	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/366,064

**Applicant(s)**

MALAURE ET AL.

**Examiner**

Son P. Huynh

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 12/08/2004 have been fully considered but they are not persuasive.

Applicant argues, "there is no teaching or even a suggestion in McNeill, that the conference data set is transmitted using different broadcast protocols" (page 8, paragraph 4, lines 1-2).

In response, this argument is respectfully traversed. McNeill discloses each of the data sending web pages 107-110) have been configured to provide the appropriately formatted conference data set in a different protocol appropriate to the varying remote computer systems by the remote conference participants (col. 4, lines 9-13; col. 7, line 58-col. 8, line 12; figures 1-3b). Thus, the data is transmitted using different broadcast protocol (e.g., unicast user datagram protocol, unicast transport control protocol, etc.).

Applicant further argues about the alternative rejection that Agraharam does not teach, nor does he contemplate, multiple networks wherein each broadcast network has a different broadcast protocol (page 9, lines 4-6). Therefore, the applicant concludes "the combination of Agraharam and Travaille does not teach or even suggest the claimed invention of "converting the set of application components into a plurality of streams of

Art Unit: 2611

broadcast data, each stream of broadcast data conforming with the broadcast protocol of respective target platform,” (page 9, paragraph 4, lines 1-4).

In response, this argument is respectfully traversed. First at all, at the components of application are taught by McKeown as discussed in the previous Office Action.

Agraharam discloses the BWS center (100) coupled to client (103) via network (102) using dial up modems such as TCP/IP/PPP or other protocols known in the art; the BWS center (100) further coupled to clients (104) through broadcast medium (310), which may be satellite transmission, cable television (CATV), wireless CATV, terrestrial television, ISDN, etc. (col. 2, lines 15-20; lines 42-58, figure 1). Agraharam further discloses the client terminal such as Direct TV set top boxes (which is connected to the server via satellite transmission network of broadcast medium 310), which can only decode MPEG-2 bitstream and do not have HTML processing capabilities, the server will transcode into MPEG-2 and push the resulting MPEG-2 bitstreams to the broadcast channels 310. For the terminal that can receives HTML (the terminals connected to the server using network 102), the server forward the session information through WAN interface 301 in a protocol specified for network 102 (e.g. TCP/IP/PPP) – see col. 2, lines 10-20; col. 3, lines 1-20). Thus, the claimed “multiple broadcast networks” is broadly met by 102 and networks of broadcast medium (310), which may be satellite transmission network, cable television (CATV) network, etc. and the claimed “each of broadcast network has a different broadcast protocol” is met by each network in broadcast medium (310) has a broadcast protocol (i.e., satellite network has MPEG-2 bitstream) and network (102) has a different broadcast protocol (i.e., TCP/IP/PPP).

Art Unit: 2611

Therefore, Agraharam discloses converting the data into a plurality streams of broadcast data for network 102 and broadcast medium 310 such as satellite network, CATV network, etc. and the claimed limitation of “each stream of broadcast data conforming with the broadcast protocol of the respective target platform” is broadly met by the stream of data for network 102 conforming with broadcast protocol (e.g., TCP/IP/PPP) used between the server and client 103, and the stream of broadcast data for broadcast medium (310) (i.e., satellite transmission network) conforming with broadcast protocol (e.g., MPEG-2 bitstreams) used between the server and direct TV set top boxes.

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Furthermore, Travaille discloses converting the interactive application 115 into a plurality of streams of broadcast data by Data Insertion Unit 116 (DIU), each stream of broadcast data conforming with the broadcast protocol of the respective target receiver (protocols for sending data in the VBI, protocols for sending the interactive data separately from the broadcast program using out of band transmitters, FM radio transmitter, or protocol for multiplexing the interactive application in MPEG2 stream – col. 5, lines 25-67).

Therefore, the combination of Travaille, Agraharam and McKeown discloses the limitation of “converting the set of application components into a plurality of streams of broadcast data, each stream of broadcast data conforming with the broadcast protocol of the respective target platform.”

Art Unit: 2611

For the reason given above, rejections on amended claims 1-9, 11-22 are analyzed as discussed below.

Claim 10 has been cancelled.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7, 8-9, 11, 14, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by McNeill et al. (US 6,421,706).

Regarding claim 1, McNeill teaches a method of delivering an interactive application to a plurality of target platforms constituted by different broadcast networks, each broadcast network operating a respectively different broadcast protocol (conference data set 116 is delivered to plurality of remote broadcast participants by different broadcast network -figure 1- each broadcast network operating a respectively different

Art Unit: 2611

broadcast protocol – col. 5, line 30+; the remote conference participant may send information back to the conference presentation 101. This chat information may be in form of question or comments related to the information presented at the conference or information included in the conference data set 116 –col. 8, line 27+. Clearly, conference data set 116 is interactive application), the method comprising: providing a set of application components (document data, video data, audio data-col. 3, line 54+); converting the set of application components into a plurality of streams of broadcast data, each stream of broadcast data conforming with the broadcast protocol of the respective target platform (each of the data sending web page 107-110 have been configured to provide the appropriately formatted conference data set in a different protocol appropriate to the varying remote computer system used by the remote conference participants – col. 4, lines 9-13; col. 7, line 62-col. 8, line 12, figures 3a-3b); delivering each stream of broadcast data to its respective target platform (providing each stream of broadcast data to its respective remote computer used by the remote conference participant -col. 7, line 14+).

Regarding claim 2, McNeill teaches manually inputting real time application data (e.g. chat information – col. 8, line 14+);

converting the real time application data into a plurality of streams of real time broadcast data, each stream of real time broadcast data conforming with a respective target

Art Unit: 2611

platform (chat data is formatted in an appropriate number of formats for the computing systems of the various remote conference participants – col. 8, line 16+);

delivering each stream of real time broadcast data to its respective target platform

(delivery the each stream of chat data to its respective remote conference participants – col. 8, line 14 and figure 4).

Regarding claim 3, McNeill teaches storing the application components in a data storage (e.g., tape recorders – col. 3, line 64+); and retrieving the application components from the data store before converting it into a stream of broadcast data (col. 4, line 1+).

Regarding claim 4, McNeill teaches converting comprises translating, adapting for different data transmission mechanisms (col. 2, line 53+).

Regarding claim 5, McNeill teaches receiving and processing return data from one or more of the target platforms (receiving and processing question or comment related to the information presented at the conference or information included in the conference data set 116 – col. 8, line 26+).

Regarding claim 7, McNeill teaches each target platform comprises an application processor (figure 5).



Art Unit: 2611

Regarding claim 8, McNeill teaches interrogating the application processor to determine the data capabilities of the application processor (each of the remote conference participants 112-115 determines its appropriate data sending web page by contacting the configuration web page 106. The configuration web page 106 queries each remote conference participant regarding their respective remote computing system.... col. 4, line 24+); and downloading data from the stream of broadcast data in accordance with the determined data capabilities of the application processor (col. 4, line 29+).

Regarding claims 9, 18 the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1, 7 and are analyzed as discussed with respect to the rejection of claims 1, 7.

Regarding claim 11, McNeill teaches the application components comprises one of sound sample (audio data – col. 3, line 54+), video chip (video data – see col. 3, line 54+).

Regarding claim 14, McNeill teaches each target platform comprises a plurality of application processors (figures 1, 5).

***Claim Rejections - 35 USC § 103***

Art Unit: 2611

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7, 8-9, 11, 14, 18 are alternatively rejected and claims 6, 12-13, 15-17, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travaille et al. (US 6,067,107), in view of Agraharam et al. (US 6,389,471), and further in view of McKeown et al. (US 6,287,199).

Regarding claim 1, Travaille et al. teaches a method of delivery an interactive application to a plurality of "target platforms" via broadcast medium, the method comprising:

providing interactive application 115 based on the programs to be broadcasted in play list 113 provided by broadcaster 114;

converting the interactive application 115 into a plurality of streams of broadcast data by Data Insertion Unit 116 (DIU), each stream of broadcast data conforming with the broadcast protocol of the respective target receiver (protocols for sending data in the VBI, protocol for sending the interactive data separately from the broadcast program using out of band transmitters, FM radio transmitter, or multiplexing the interactive application in MPEG2 stream – col. 5, lines 25-67); and

Art Unit: 2611

delivering each stream of broadcast data to its respective receiver by transmitter 118(see figure 1 and col. 5, line 1-col. 6, line 41). Travaille further discloses plurality of broadcast servers 110, with each broadcast server 110 serving a particular geographic area, set of broadcaster, or set of subscribers (see col. 4, lines 55-59). However, Travaille does not specifically disclose each broadcast network operating a respectively different broadcast protocols and the interactive application comprises components.

Agraharam et al. teaches each broadcast network operating a respectively different broadcast protocols (for example, network 102 operating a broadcast protocol using TCP/IP/PPP for transmission data between server and client; broadcast network of broadcast medium 301 such as satellite transmission network operating a broadcast protocol for transmission data (for example, in MPEG2 bitstream) between the server and direct TV set top boxes- col. 2, line 10-col. 3, line 45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Travaille to use the teaching as taught by Agraharam in order to provide data compatible to the receiver. However, neither Travaille nor Agraharam specifically disclose the interactive application comprises components.

McKeown teaches interactive application comprises a set of components (team, player name, event, etc. figures 2-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Travaille and Agraharam to

Art Unit: 2611

use the teaching as taught by McKeown in order to perform different functions as the receiver.

Regarding claim 2, McKeown teaches manually inputting real time application data and transmitting the inputted real time application to multiple players(figures 1-4). McKeown does not specifically disclose converting the data before delivering to the player.

Agraharam teaches converting HTML format to MPEG-2 format before delivering the data to the receiver if the receiver is MPEG receiver (col. 3, line 5+). Therefore, it would have been obvious to modify McKeown with the teaching of Agraharam in order to improve quality of services.

Regarding claim 3, McKeown discloses storing the application components in a data store (database 4A or live file 4B – figure 2 and col. 4, line 20+); and retrieving the application components from the data store before converting it into a stream of broadcast data (see col. 4, line 20+).

Regarding claim 4, Agraharam teaches the step of converting comprises adapting for different data transmission mechanism (convert the data signal from to the format compatible with the receivers 204- see col. 6, lines 35-55).

Regarding claim 5, McKeown et al. teaches receiving and processing return data from one or more of the target platforms (remote unit 9- figure 1 and col. 4, line 4+).

Regarding claim 6, Travaille et al. discloses the application comprises a game and the return data comprises response to the questions (see col. 5, line 3+).

Regarding claim 7, Agraharam teaches the “target platform” comprises an application processor (receiver 204-figure 3).

Regarding claim 8, Agraharam teaches interrogating the application processor (receivers 204) to determine the data capabilities of the application processor; and download data from the stream of broadcast data in accordance with the determined data capabilities of the application processor (see figure 6 and col. 6, lines 35-55).

Regarding claim 9, the limitations of the apparatus correspond to the limitations of the method as claimed in claim 1 and are analyzed as discussed with respect to the rejection of claim 1.

Regarding claim 11, McKeown teaches the application components comprise one or more of executable program files, bit maps, sound samples, real-time instructions, and video chips (figures 2+).

Regarding claim 12, Travaille teaches the method comprising substituting an application component with an alternative component on one of broadcast data streams (e.g.,

Art Unit: 2611

substituting the default set of priority values of interactive application - see col. 14, line 13-col. 15, line 17).

Regarding claim 14, McKeown discloses the application is provided to all remote players C; each of the remote players C comprises a processor 14 (col. 4, line 64+). Necessarily, each target platform comprises a plurality of application processors.

Regarding claim 15, Travaille in view of Agraharam and McKeown teaches a method as discussed in the rejection of claim 14. McKeown further discloses the operator takes a calibration of his own reaction time and the system latency. The central controller 1 then determines the time between initiating the display and the time at which a response is sensed and this will be a latency value which is used to adjust future times of occurrence of events which are entered by the operator (col. 4, line 39+); The central controller 1 issue a lock out signal which is broadcast to the remote units C and to which each processor 14 responds to prevent any further predictions from being entered. The lock out signal will carry a time stamp which defines the instant at which the operator clicked on the button 60 but back stamped by an appropriate number of frames corresponding to the earlier determined calibration of the operator response time and system latency... In order to obtain accurate synchronization between the central control clock and each remote unit C, all parts of the interactive network work to a common universal system clock. Synchronization is maintained by the central controller 1 repeatedly issuing synchronization signals as part of the message which are broadcast.

Art Unit: 2611

Each microprocessor 14 monitors the time of arrival of a synchronization signal and compares this with its own clock and if there is a discrepancy gradually adjust its clock to agree with the synchronization signal (col. 5, line 27+). Necessarily, compensation for timing differences between the broadcast networks in handling the broadcast data so as to temporally synchronize the broadcast data at each application processor is issued.

Regarding claim 16, McKeown teaches the compensation is achieved by selectively delaying broadcast of data to the target platforms (the operator issues a suitable back stamping before broadcasting it to each remote player C –col. 6, line 35+).

Regarding claim 17, McKeown teaches the compensation is achieved by including timing information in the broadcast data (provide time stamp in the broadcast data – col. 5, line 30+).

Regarding claims 13, 18, 19-22, the limitations of the apparatus correspond to the limitations of the method as claimed in claims 12, 7, 14-17 respectively, and are analyzed as discussed with respect to the rejection of claims 12, 7, 14-17.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sharma et al. (US 5,537,417) teaches kernel socket structure for concurrent multiple protocol access.

Scholl et al. (US 5,742,762) discloses network management gateway.

Knauerhase et al. (US 6,345,303) teaches network proxy capable of dynamically selecting a destination device for servicing a client request.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




Art Unit: 2611

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SPH

May 18, 2005



CHRIS GRANT  
PRIMARY EXAMINER